

Steven Mark Rosenberg,
106 Judge John Aiso Street #225
Los Angeles, CA 90012
(310) 971-5037
Founder@PuttingElders1st.org
In Pro Per

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA/SAN FERNANDO VALLEY

In re: STEVEN MARK ROSENBERG)
Debtor) **Bankruptcy Case No. 1:17-bk-11748-VK**
) **Chapter 7**
)
) **Adversary Case No. 1:17-ap-01096-VK**
In re: Steven Mark Rosenberg,)
Plaintiff) **PLAINTIFF'S DECLARATION IN**
) **SUPPORT OF PLAINTIFF'S MOTION**
) **TO ALTER OR AMEND JUDGMENT**
)
vs.) **Judge Victoria Kaufman**
)
ALLIANCE BANCORP, INC, (Estate)) **Hearing**
MORTGAGE ELECTRONIC) **Date:**
REGISTRATION SYSTEMS, INC.,) **Time:**
OCWEN LOAN SERVICING, ONE) **Courtroom:**
WEST BANK, DEUTSCHE BANK)
NATIONAL TRUST COMPANY, AS)
TRUSTEE FOR ALLIANCE)
BANCORP MORTGAGE BACKED)
PASS-THROUGH CERTIFICATE)
SERIES 2007-OA1 AND DOES 1)
THROUGH 25, INCLUSIVE,)
Defendants)

DECLARATION OF STEVEN MARK ROSENBERG

I, Steven Mark Rosenberg, declare and state as follows:

1. I am the Plaintiff in the Motion to Alter or Amend Judgment, that was filed in pursuance to Rule 59(e) of Federal Rule of Civil Procedure. Unless otherwise indicated, the facts set forth herein are personally known by me to be true, and if called as a witness I could and would competently testify thereto.

2. I submit this declaration in support of my Rule 59(e) FRCP, Motion to Alter or Amend the judgment that was entered into on 05/14/2018, AS Docket Number 58, allowing the Motion for judgment on pleadings by the Defendants therein.

3. I am a graduate of University of Southern California (USC) with a Master of Science Degree (1989) and a second degree from USC earning a MRED (Master of Real Estate Development) obtained in 2006. This educational obtainment, has I am finding providing me, with transferable writing and resource skills useful to this protracted litigation. In addition, for approximately six months, I was employed a Real Estate Title Examiner Associate in the City of Los Angeles, Department of Engineering, Real Estate Division, on or around the period of 1993.

4. I hereby declare that, the entire foreclosure proceedings that have been initiated against the estate property are non-judicial foreclosure proceedings and the observation of the Court to the contrary that the foreclosure proceedings are one which belong to judicial foreclosure proceedings is a clerical error while entering the judgment dated 05/14/2018 and carrying over to the Amended Judgement of June 9, 2018 as Docket Number 56. (Indicated in Pacer as: Order Amended Judgement following Defendants Motion for Judgment on the Pleadings, signed on 6/7/18) .

5. I declare that FRCP Rule 17(a)(1)(B) lays down an exception for the general rule that an action shall be prosecuted in the name of the real party in interest. The particular rule empowers an 'administrator' of the property to

1 take action for the property though not being a beneficiary. In my case against
2 the Defendants herein, as stated in my motion to alter or amend judgement, I
3 occupy the position of an administrator of the Estate property. Hence though not
4 being a beneficiary/real party in interest I am competent to initiate the adversary
5 proceeding irrespective of my personal capacity. Accordingly, as per FRCP Rule
6 17, I am not personally liable for any charges on the estate property if any, as
7 the said Motion is filed only in the capacity of an administrator and not
8 beneficiary. Thus, the Defendants have absolutely no right in Personam over
myself or the estate property.

9 6. I hereby declare that the doctrine of equitable tolling as observed
10 by the Supreme Court in *Holmberg v. Armbrrecht*, 347 U.S 392, 397 (1946) is
11 applicable in present instance and the equitable doctrine is applicable to every
12 federal statute of limitation. Therefore as such the present adversary proceeding
13 initiated by undersigned, before this Honorable Court, is a continuation of the
14 probate code proceedings and falls within the spectrum of the doctrine of
15 equitable tolling. The Probate Action was found to be dismissed under Operation
16 of Law, i.e., California Code of Civil Procedure § 583.310.

17 7. I hereby declare that the widely accepted principle of '*fraud*
18 *vitiates everything*', is applicable to my case against the defendants herein. The
19 Defendants cannot enforce any right, if any created upon the Estate Property as
20 per the Deed of Trust document and subsequent trailing recorded filings have
been created by fraud and complicit forgery by the Defendants.

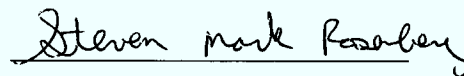
21 8. I hereby declare that, even if the aspect of fraud is not
22 considered, the Defendants could not assert legitimately based on the falsified
23 chain of title documentation, their "contested" rights in the estate property as
24 bona fide secured creditors and therefore, they are not entitled to the proceeds
25 that arise out of the estate property. In light of the developed fact pattern, it will
26 be unjust enrichment for the opposing side.

27 9. I hereby declare that I have made six (6) documented attempts
28 to set a hearing date with regard to the present Motion to Alter or Amend
Judgment. One of the latest due diligence attempts by myself with regard to

1 seeking the obtaining of a hearing date for the motion to amend or alter
2 judgment was a letter sent via Overnight Federal Express to the Court Clerk on
3 August 15, 2018 and delivered on August 16, 2018 with Proof of signing
4 available for inspection.

5 I declare under the penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 Executed this 5th day of September 2018 at Los Angeles, California

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10 Steven Mark Rosenberg
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
106 1/2 Judge John Aiso St. Los Angeles, CA 90012

A true and correct copy of the foregoing document entitled (*specify*): _____
PLAINTIFF'S DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (*date*) 09/05/2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

09/05/2018 CARRIE FELICITAS
Date Printed Name

Signature 

ATTACHED SERVICE LIST

MERS (Mortgage Electronic Registration Systems, Inc.)

Attn: T. Robert Finlay, Partner

Cc: Nicole Dunn, Esq.

4665 MacArthur Court, Suite 200

Newport Beach, CA 92660

Ocwen Loan Servicing, Inc.

c/o T. Robert Finlay, Partner

Cc: Nicole Dunn, Esq.

4665 MacArthur Court, Suite 200

Newport Beach, CA 92660

Amy L. Goldman (TR)

633 W. 5th Street, Suite 4000

Los Angeles, CA 90071

213-250-1800

Trustee

United States Trustee (SV)

915 Wilshire Blvd., Suite 1850

Los Angeles, CA 90017

213-894-6811

U.S. Trustee

Judge Victoria S. Kaufman

U.S. Bankruptcy Court- Central District

(San Fernando Valley)

21041 Burbank Blvd.

Woodland Hills, CA 91367-6603

Deutsche Bank National Trust in

Alliance Bancorp Trust 2007 OA-1

c/o Robert Garrett of Law Firm of Garrett & Tully

225 S. Lake , Suite 1400

Pasadena, CA 91101

Alliance Bancorp, Inc.

815 Commerce Dr.

Oak Brook, IL 60523